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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,444	01/23/2001	Hans-Ueli Roeck	33270	2422

116 7590 10/09/2003

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/767,444

Applicant(s)
HANS-UELI ROACK

Examiner
REXFORD BARNIE

Art Unit
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 28, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 16, 20-27, and 32-59 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 16, 20-27, and 32-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

R. Barne
REXFORD BARNIE
PRIMARY EXAMINER

10/04/03

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14, 16, 20-27 and 32-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US Pat# 5,721,783, cited by applicant) in view of Single (WO 97/01314).

Regarding claim 14, Anderson teaches a hearing aid wherein at least signal (first signal) including those of another party communicating with the hearing aid user can be heard via a speaker. Furthermore, according to Anderson In (see col. 25 lines 51-col. 26 line 5 and col. 2 lines 40-42), a verbal indication associated with the status of the hearing aid, which reads on a second signal, can be relayed to the hearing aid user via the speaker. For the sake of argument, Anderson teaches that the second audio signal is selectable by the user.

Single teaches a hearing aid device wherein a user can request a message which is associated with the status of the hearing aid in (see col. 15 line 25-col. 16 line 10). Furthermore, Single teaches a system wherein a user is capable of storing desired messages in a message source (see 330 A of fig. 7, col. 12 lines 23-col. 13).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Single into that of Anderson thus making it possible for a user to record messages or selectably associating user's record messages with status of the hearing or selectably retrieving messages associated with status of the hearing aid.

Regarding claim 16, The combination including Single teaches a user programmable storage element.

Regarding claims 20 and 41, The combination teaches the possibility of having a signal source communicating with a hearing aid over a wireless link with a sound source (see col. 25 line 51-col. 26 line 5 of Anderson and disclosure of Single)

Regarding claims 21 and 43, The combination teaches being to use a speaker phone or auxiliary speaker such that sounds can be heard at a distance for any produced audio signal in (see col. 23 lines 14-20, col. 26 of Anderson). Furthermore, it's notoriously well known to have a hearing aid with speaker systems which can be heard at a distance by turning the volume at a high level.

Regarding claims 22-25, The combination including Single teaches an interactive hearing aid means in (see col. 16 of Single or col. 25 lines 51-67 of Anderson wherein activation of sounds can be done via remote device.. Furthermore, the combination teaches activation by voice recognition or voice commands.

Regarding claims 26-27, see the explanation as set forth in the rejection of claim 14 in addition to for instance (fig. 7 of Single).

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Regarding claims 32-33, The combination teaches being able to connect an audio source to a hearing aid via a wired or wireless link. Furthermore, according to the combination including Single, one can program messages as desired. Read/write storage is notoriously well known for its ability in storing messages/information and would have been obvious to use any commercially available storage means.

Regarding claims 34-35, The combination teaches being able to display information associated with selectably retrieving information in (see col. 16 of Single).

Regarding claim 36, see the explanation as set forth in claim 1 in addition to the fact that the acknowledgment control signals reads on a status associated with the hearing aid device.

Regarding claim 37-40, the combination teaches the ability to store information in a storage means associated with a hearing aid.

Regarding claims 42 and 44-49, the combination renders obvious the ability to activate one of a plurality of stored messages in a menu controlled manner, by voice recognition/command and using a visual display.

Regarding claim 50, see the explanation as set forth in the rejection of claim 1 in addition to the figures of the combination which teaches being able to use acknowledgment signals (see Anderson), activating verbal announcement in response to a hearing aid status.

Regarding claims 51-52, The combination teaches being able to use keys in selecting or requesting information.

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Regarding claims 53-59, The combination teaches being able to use a wired or wireless link for transfer of information and being able to use a display for interaction.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to (703) 872-9314 and labeled accordingly (Please label

"PROPOSED/INFORMAL" or "FORMAL").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 306-0377.

Rexford Barnie
Patent Examiner
10/04/03


REXFORD BARNIE
PRIMARY EXAMINER